

Message

From: Smith, Winston G. [Smith.WG@epa.gov]
Sent: 7/20/2018 6:36:41 PM
To: Self, Terry [Self.Terry@epa.gov]
Subject: RE: Proposed ADEM MOA (1st revision)

So is this the 1st, 2nd, or 3rd revision?!?

Winston G. Smith, Environmental Engineer
UST, PCB, & OPA Enforcement & Compliance Section, EPA Region 4
smith.wg@epa.gov
(404) 562-9467 (work)
(404) 562-8439 (FAX)

From: Self, Terry
Sent: Friday, July 20, 2018 2:35 PM
To: Smith, Winston G. <Smith.WG@epa.gov>
Subject: RE: Proposed ADEM MOA (1st revision)

Wayyyyyyyyyy past that point.

From: Smith, Winston G.
Sent: Friday, July 20, 2018 2:34 PM
To: Truman, Bill <Truman.Bill@epa.gov>; Self, Terry <Self.Terry@epa.gov>; Singh, Ben <Singh.Ben@epa.gov>; Jones, Aaryn <Jones.Aaryn@epa.gov>
Subject: RE: Proposed ADEM MOA (1st revision)

Oh brother...I can see this becoming confusing very quickly.

Winston G. Smith, Environmental Engineer
UST, PCB, & OPA Enforcement & Compliance Section, EPA Region 4
smith.wg@epa.gov
(404) 562-9467 (work)
(404) 562-8439 (FAX)

From: Truman, Bill
Sent: Friday, July 20, 2018 2:21 PM
To: Self, Terry <Self.Terry@epa.gov>; Singh, Ben <Singh.Ben@epa.gov>; Jones, Aaryn <Jones.Aaryn@epa.gov>; Smith, Winston G. <Smith.WG@epa.gov>
Subject: FW: Proposed ADEM MOA (1st revision)

If you say so.....

From: Buso, Roberto X
Sent: Friday, July 20, 2018 2:19 PM
To: Truman, Bill <Truman.Bill@epa.gov>
Subject: RE: Proposed ADEM MOA (1st revision)

The language clarifies, not confuses. It explains why there may be more than one signature page.

Either way... as we know....it will always be effective on the last date of signature, which is EPA's date of signature, because EPA **always** sign last. Very unlikely we will have multiple signature pages anyway, but we may if this comes down to the end of October..., but again, the language explains that is OK.

As with any legal advice – you can choose to accept or reject at your discretion. If you delete the sentence, try to do the same to all the documents, and try to keep the signature pages on a separate page so that we can deal with any formatting issues or whatever without having those blocks move around.

From: Truman, Bill
Sent: Friday, July 20, 2018 2:07 PM
To: Buso, Roberto X <Buso.Roberto@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>
Subject: FW: Proposed ADEM MOA (1st revision)

Why the language?

From: Singh, Ben
Sent: Friday, July 20, 2018 2:02 PM
To: Truman, Bill <Truman.Bill@epa.gov>; Self, Terry <Self.Terry@epa.gov>
Subject: RE: Proposed ADEM MOA (1st revision)

Why can't we ask them to remove it because we don't want a situation where we have two of the same MOA signed separately with different dates and having to always check to see which is the latest date or having to answer questions about why there is only one signature on the same MOA.

Thanks
Ben R. Singh

From: Truman, Bill
Sent: Friday, July 20, 2018 1:55 PM
To: Singh, Ben <Singh.Ben@epa.gov>; Self, Terry <Self.Terry@epa.gov>
Subject: RE: Proposed ADEM MOA (1st revision)

Should not be a problem except for that strange last sentence

From: Singh, Ben
Sent: Friday, July 20, 2018 1:54 PM
To: Self, Terry <Self.Terry@epa.gov>
Cc: Truman, Bill <Truman.Bill@epa.gov>
Subject: RE: Proposed ADEM MOA (1st revision)

Ok, I saw the changes, minor.

Thanks
Ben R. Singh

From: Self, Terry
Sent: Friday, July 20, 2018 1:22 PM
To: Singh, Ben <Singh.Ben@epa.gov>
Subject: RE: Proposed ADEM MOA (1st revision)

You can see the changes in the doc, but you have to turn them on. Click on the Review tab across the top. Then, go to the Tracking section across the top, you'll see a dialog box probably showing "Simple Markup". Click on "Total Markup". This will show you all changes that have been made.

There was some formatting changes, RCRA was replaced with SWDA but there were other things added too. But I don't think any of it is major.

From: Singh, Ben
Sent: Friday, July 20, 2018 11:38 AM
To: Self, Terry <Self.Terry@epa.gov>
Subject: RE: Proposed ADEM MOA (1st revision)

I don't have ADEM MOA with so I can't compare but in reading it through I couldn't identify any changes except for the last convoluted paragraph? Was that their changes?

Thanks
Ben R. Singh

From: Self, Terry
Sent: Friday, July 20, 2018 10:51 AM
To: Singh, Ben <Singh.Ben@epa.gov>; Truman, Bill <Truman.Bill@epa.gov>
Cc: Jones, Aaryn <Jones.Aaryn@epa.gov>; Smith, Winston G. <Smith.WG@epa.gov>
Subject: RE: Proposed ADEM MOA (1st revision)

Anything is possible when you have attorneys involved.

From: Singh, Ben
Sent: Friday, July 20, 2018 10:36 AM
To: Truman, Bill <Truman.Bill@epa.gov>
Cc: Jones, Aaryn <Jones.Aaryn@epa.gov>; Smith, Winston G. <Smith.WG@epa.gov>; Self, Terry <Self.Terry@epa.gov>
Subject: RE: Proposed ADEM MOA (1st revision)

That is weird. So we can have two of the same MOA signed separately. Really?

From: Truman, Bill
Sent: Friday, July 20, 2018 10:23 AM
To: Self, Terry <Self.Terry@epa.gov>; Singh, Ben <Singh.Ben@epa.gov>; Buso, Roberto X <Buso.Roberto@epa.gov>; Jones, Aaryn <Jones.Aaryn@epa.gov>
Subject: RE: Proposed ADEM MOA (1st revision)

I do not have any issues with the edits, except the last statement before the signatures seems a little convoluted. I hope it is not too late for GA.

Aaryn please tell Kelly to put the brakes on as far as the MOA goes.

From: Self, Terry
Sent: Friday, July 20, 2018 10:15 AM
To: Truman, Bill <Truman.Bill@epa.gov>; Singh, Ben <Singh.Ben@epa.gov>

Cc: Jones, Aaryn <Jones.Aaryn@epa.gov>
Subject: FW: Proposed ADEM MOA (1st revision)

I haven't looked at it yet to see what the changes are.

From: Buso, Roberto X
Sent: Friday, July 20, 2018 10:11 AM
To: Self, Terry <Self.Terry@epa.gov>
Subject: RE: Proposed ADEM MOA (1st revision)

Hi –

These are ORC's revisions to the AL MOA – through Colleen.

These same revisions (or very similar revisions) were done to each of the routing MOAs (GA, TN, AL and KY).

Colleen is checking with the ORC front office (RC/DRC) to see if they want to sign off now, or later. OGC is still reviewing, but I do not expect them to have comments.

You can communicate the above to Alabama, if you want, but with the caveat that this agreement is still subject to final review by Regional Counsel, so we are not requesting signatures on the document at this time. These revisions are just FIY and for review and comment, but should all be acceptable.

From: Self, Terry
Sent: Thursday, July 19, 2018 6:55 AM
To: Buso, Roberto X <Buso.Roberto@epa.gov>
Subject: FW: Proposed MOA (1st revision)

Morning Rob,

ADEM is asking about the status of the MOA, so how is it going?

Terry

From: Stallworth, Clethes [<mailto:CS@adem.alabama.gov>]
Sent: Wednesday, July 18, 2018 5:24 PM
To: Self, Terry <Self.Terry@epa.gov>
Cc: Cruise, Michael <mcruise@adem.alabama.gov>; Massey, Sonja <SSM@adem.alabama.gov>; Roper, Lynn T <LTR@adem.alabama.gov>; Singh, Ben <Singh.Ben@epa.gov>
Subject: RE: Proposed MOA (1st revision)

Good afternoon, Terry. I hope this email finds you doing well. I am writing you to inquire about the status of the review of the Proposed MOA by your legal staff. As you are aware, ADEM must reapply within the next 87 days in order to retain its SPA status. Obviously, we will need a week or so to review any changes and then coordinate the approval/execution of the MOA by this department's Director before returning the Department-approved MOA to your office in order to obtain the signature of the Regional Administrator.

Therefore, at your earliest convenience, please provide me with an update. Thanks.

From: Stallworth, Clethes

Sent: Tuesday, June 26, 2018 9:58 AM

To: 'Self, Terry' <Self.Terry@epa.gov>

Cc: Massey, Sonja <SSM@adem.alabama.gov>; Malaier, Dorothy <DSM@adem.alabama.gov>; Hall, Latoya A <LAHall@adem.alabama.gov>; Batchelor, David <david.batchelor@adem.alabama.gov>; Thrash, Jim <JThrash@adem.alabama.gov>; Roper, Lynn T <LTR@adem.alabama.gov>; Alexander, Tiffani L <tiffani.alexander@adem.alabama.gov>; Cruise, Michael <mcruise@adem.alabama.gov>; Singh, Ben <Singh.Ben@epa.gov>; Truman, Bill <Truman.Bill@epa.gov>; Buso, Roberto X <Buso.Roberto@epa.gov>

Subject: RE: Proposed MOA (1st revision)

Good morning, Terry. Attached for your consideration and coordination is the interim final draft of the Proposed MOA.

Please feel free to contact me if you have any questions regarding this matter.

Kind regards,

Clete

Clethes Stallworth, Chief

Environmental Services Branch

Phone: (334) 271-7743

Email: cs@adem.alabama.gov

From: Self, Terry [<mailto:Self.Terry@epa.gov>]

Sent: Tuesday, June 26, 2018 9:31 AM

To: Stallworth, Clethes <CS@adem.alabama.gov>

Cc: Massey, Sonja <SSM@adem.alabama.gov>; Malaier, Dorothy <DSM@adem.alabama.gov>; Hall, Latoya A <LAHall@adem.alabama.gov>; Batchelor, David <david.batchelor@adem.alabama.gov>; Thrash, Jim <JThrash@adem.alabama.gov>; Roper, Lynn T <LTR@adem.alabama.gov>; Alexander, Tiffani L <tiffani.alexander@adem.alabama.gov>; Cruise, Michael <mcruise@adem.alabama.gov>; Singh, Ben <Singh.Ben@epa.gov>; Truman, Bill <Truman.Bill@epa.gov>; Buso, Roberto X <Buso.Roberto@epa.gov>

Subject: RE: Proposed MOA (1st revision)

Morning Clethes,

Can you send me the final MOA, so I can run it through our legal folks for approval? It does have to be signed by both parties before it is submitted in the SPA Package.

Terry

From: Stallworth, Clethes [<mailto:CS@adem.alabama.gov>]

Sent: Monday, June 25, 2018 2:46 PM

To: Self, Terry <Self.Terry@epa.gov>

Cc: Massey, Sonja <SSM@adem.alabama.gov>; Malaier, Dorothy <DSM@adem.alabama.gov>; Hall, Latoya A <LAHall@adem.alabama.gov>; Batchelor, David <david.batchelor@adem.alabama.gov>; Thrash, Jim <JThrash@adem.alabama.gov>; Roper, Lynn T <LTR@adem.alabama.gov>; Alexander, Tiffani L <tiffani.alexander@adem.alabama.gov>; Cruise, Michael <mcruise@adem.alabama.gov>; Singh, Ben

<Singh.Ben@epa.gov>; Truman, Bill <Truman.Bill@epa.gov>; Buso, Roberto X <Buso.Roberto@epa.gov>

Subject: Proposed MOA (1st revision)

Good afternoon, Terry.

The following changes/corrections have been made to the proposed UST Program MOA between EPA and ADEM:

EPA's Comment	ADEM's Response
On page 1, 1st paragraph & line 14, there is a typo where '(1991 MOA)' is written, and it should be (1996 MOA).	This typo has been corrected.
Please specify why the public participation sentence in the MOA was highlighted. States must provide for public participation using one of the three options in 40 C.F.R. 281.42(a)-(c)	The public participation sentence has been changed to reflect the intent of 40 C.F.R. §281.42(c). The "new" wording of the sentence (on page 5) is as follows: "ADEM will maintain procedures for receiving and ensuring proper consideration of information about violations submitted by the public and will not oppose citizen intervention when permissive intervention is allowed by statute, rule, or regulation." Please be advised that public participation/intervention in the enforcement process under Rule 24 of the Alabama Rules of Civil Procedure is also addressed in the AG's Certification Package.

If this offering is acceptable to EPA, please advise me as to the next step in the coordination/approval process for the MOA. Specifically, does the MOA have been executed by all parties prior to inclusion in the SPA package?

Thanks.

Clethes Stallworth, Chief
Environmental Services Branch
Land Division
Alabama Department of Environmental Management
Post Office Box 301463
Montgomery, Alabama 36130-1463
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Fax: (334) 279-3050
Email: cs@adem.alabama.gov
adem.alabama.gov



Mission: Assure for all citizens of the state a safe, healthful and productive environment

From: Self, Terry [<mailto:Self.Terry@epa.gov>]

Sent: Friday, June 08, 2018 12:02 PM

To: Cruise, Michael <mcruiase@adem.alabama.gov>; Singh, Ben <Singh.Ben@epa.gov>; Truman, Bill <Truman.Bill@epa.gov>; Buso, Roberto X <Buso.Roberto@epa.gov>

Cc: Massey, Sonja <[\\$SM@adem.alabama.gov](mailto:$SM@adem.alabama.gov)>; Stallworth, Clethes <CS@adem.alabama.gov>; Malaier, Dorothy <DSM@adem.alabama.gov>; Hall, Latoya A <LAHall@adem.alabama.gov>; Batchelor, David

<david.batchelor@adem.alabama.gov>; Thrash, Jim <JThrash@adem.alabama.gov>; Roper, Lynn T <LTR@adem.alabama.gov>; Alexander, Tiffani L <tiffani.alexander@adem.alabama.gov>

Subject: RE: ADEM Division 6 (UST) Authorization SPA Package - Interim Draft

Afternoon Mike,

Our preliminary review found no major issues precluding you from moving forward in your SPA process.

Only a few minor issues were found, which are:

1. AG Certification
 - a. AG Statement ("no less stringent criteria" evaluation) not submitted, and not reviewed.
2. MOA
 - a. On page 1, 1st paragraph & line 14, there is a typo where '(1991 MOA)' is written, and it should be (1996 MOA).
 - b. Please specify why the public participation sentence in the MOA was highlighted. States must provide for public participation using one of the three options in 40 C.F.R. 281.42(a)-(c).
3. Program Description
 - a. From the submittal, it is unclear in what ways the state program is more stringent or broader in scope than the federal program. A copy of Oklahoma's Program Description is included as an example. To the extent any areas of the program are more stringent or broader in scope, please identify those areas in the Program Description.
4. Adequate Enforcement
 - a. No page numbers were included.
 - b. On page 5, 2nd paragraph & line 5, there is a typo where 'files' is misspelled as 'flies'.
 - c. Where it states that the Department or ADEM has the authority to perform a function throughout the document, the appropriate State statute/rule should be cited. A copy of Oklahoma's Application for Approval is included as an example. For example on page 3, it states the Compliance Monitoring procedure is divided into four areas, so ADEM's regulatory authority should be cited for each of the areas.
5. Crosswalk
 - a. Previously reviewed & comments provided

Terry

From: Cruise, Michael [<mailto:mcruise@adem.alabama.gov>]

Sent: Friday, May 18, 2018 9:23 AM

To: Self, Terry <Self.Terry@epa.gov>; Singh, Ben <Singh.Ben@epa.gov>

Cc: Massey, Sonja <SSM@adem.alabama.gov>; Stallworth, Clethes <CS@adem.alabama.gov>; Malaier, Dorothy <DSM@adem.alabama.gov>; Hall, Latoya A <LAHall@adem.alabama.gov>; Batchelor, David <david.batchelor@adem.alabama.gov>; Thrash, Jim <JThrash@adem.alabama.gov>; Roper, Lynn T <LTR@adem.alabama.gov>; Alexander, Tiffani L <tiffani.alexander@adem.alabama.gov>

Subject: ADEM Division 6 (UST) Authorization SPA Package - Interim Draft

Importance: High

Mr. Self, as per our phone conversation last week, we are sending you an interim draft of five of the six required components of the UST SPA package for your preliminary review and comment (see attached). The components included are:

1. AG Letter,
2. Memorandum of Agreement,
3. Program Description,
4. Demonstration of Procedures for Adequate Enforcement, and
5. SPA Regulations Crosswalk.

If possible, we would like to have your comments by June 8, 2018 as we plan to send the package to the Governor's office shortly thereafter. If you have any questions or comments please do not hesitate to contact either me or Ms. Tiffani Alexander.

Thank you and have a great weekend.

*Mike Cruise, Chief
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Environmental Services Branch
Alabama Department of Environmental Management
(334) 271-7938
mcruise@adem.alabama.gov
adem.alabama.gov*